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Attorneys for Federal Defendants

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO DIVISION

11 RICKIE JOHN GRATE, by and through his)
12 Guardians Ad Litem, SANDRA TUCKER)
and MARSHA D. LATNER,)

13 Plaintiff,)

14 v.)

15 UNITED STATES OF AMERICA, and)
16 DOES 1 through 100, inclusive,)

17 Defendants.)

Case No. C 04-5220 MEJ

**STIPULATION AND PROPOSED
ORDER CONTINUING CASE
MANAGEMENT CONFERENCE**

18 On January 30, 2006, this Court issued an order that the parties attend mediation before
19 March 31, 2006 and a Case Management Conference on April 20, 2006 at 8:30 a.m.
20 ("Conference").

21 On February 6, 2006, Assistant U.S. Attorney Jonathan U. Lee filed a notice of
22 substitution of counsel.

23 AUSA Lee and Plaintiffs' attorney Sean Burke made arrangements to schedule
24 depositions desired by Mr. Burke as soon as their mutual calendaring commitments would
25 permit.

26 On March 23, 2006, plaintiffs' counsel took the first two depositions in this case at San
27 Francisco/Ft. Miley, of former VA doctor Amy Frey and current VA doctor Martin London.

28 On March 27, 2006, the parties attended mediation with Eileen Barker, Esq., which
mediation was not successful.

The parties request a short postponement of the Conference to April 27, 2006 at 8:30 a.m. or the first available date thereafter convenient to the Court. The reason for the stipulated request for postponement is that the postponement will facilitate discovery and avoid schedule conflicts for new defense counsel Lee. The postponement will facilitate discovery because the parties are attempting to schedule additional depositions in the San Francisco area of either defendant's employees or the plaintiffs in conjunction with Mr. Burke's trip from Newport Beach to attend the Conference. The parties are presently working out scheduling arrangements for several depositions on April 26-28, 2006 in San Francisco and Redding that would coincide with the brief postponement of the Conference. The postponement will avoid a conflict with AUSA Lee's previously planned vacation during his children's school year's Spring Break.

For these reasons, SO STIPULATED.

LAW OFFICES OF SEAN M. BURKE

DATED: March 30, 2006

By: //ss//
SEAN M. BURKE
Attorneys for Plaintiff

KEVIN V. RYAN
United States Attorney

DATED: March 30, 2006

By: //ss//
JONATHAN U. LEE
Assistant United States Attorney
Attorneys for Defendant

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED. The Case Management Conference will take place on April 27, 2006 or _____, 2006 at ~~8:30 a.m.~~ 10 a.m.

March 31, 2006
DATED: _____

MARIA ELENA JAMES
United States Magistrate Judge

